

United States District Court

Northern

DISTRICT OF

New York

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

1993 Ford "Ryder" rental truck
 bearing North Carolina registration
 LF6696 currently located at the
 Massena, NY Port of Entry

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

CASE NUMBER: '96 - MG - 153

I, Patrick E. Coultry, being duly sworn depose and say:I am a(n) Special Agent of the U.S. Customs Service Official Title and have reason to believethat on the person of or on the property or premises known as (name, description and/or location)

1993 Ford "Ryder" rental truck bearing North Carolina Registration
 LF6696 and stored at the U.S. Customs Port of Entry at Massena, NY

in the Northern District of New York
 there is now concealed a certain person or property, namely describe the person or property to be seized

Approximately 30 bales of Iranian carpets

which is (state one or more bases for search and seizure set forth under Rule 41(g) of the Federal Rules of Criminal Procedure)

prohibited from entry into the United States

concerning a violation of Title 50 United States code, Section(s) 1701
 The facts to support a finding of Probable Cause are as follows:

See attached Affidavit

U. S. DISTRICT COURT
N. D. OF N. Y.
FILED

APR 05 1996

Bh

AT O'CLOCK M.
GEORGE A. RAY, Clerk
UTICA

Continued on the attached sheet and made a part hereof.

 Yes No
Patrick E. Coultry
Signature of Affiant

Sworn to before me, and subscribed in my presence

April 3, 1996

Date

Henry VanAcker, U.S. Magistrate

Name and Title of Judicial Officer

at Rouses Point, NY

City and State

Henry VanAcker
Signature of Judicial Officer

'96 = MG = 153

Department of the Treasury
United States Customs Service

Affidavit in support of a Customs Search Warrant

Patrick E. Coultry, being duly sworn, deposes and states as follows:

1. I, Patrick E. Coultry a Special Agent, have been employed by United States Customs Service as a law enforcement officer since 1984 and have been a criminal investigator since 1988. In the past 7 years, I have participated in numerous investigations involving smuggled merchandise or prohibited merchandise. In this capacity my position is defined under 1589(a) of Title 19, United States Code, in that I am empowered by law to (1) carry a firearm; (2) execute and serve any order, warrant, subpoena, summons, or other process issued under the order of the United States; (3) make an arrest without a warrant for any offense against the United States committed in the officer's presence, or for a felony, cognizable under the laws of the United States committed outside the officer's presence, if the officer has reasonable grounds to believe that the person to be arrested has committed, or is committing, a felony; and (4) perform any other law enforcement duty that the Secretary of the Treasury may designate.

2. On April 03, 1996, at approximately 0240hrs this affiant was telephone at my residence by New York State Trooper Ward Wilson of the Canton, New York station. At the time Trp. Wilson was in the process of conducting a vehicle stop. He was on a cellular phone and advised this writer of the following: at approximately 0205hrs Trp. Gabrielle Giambellucca and he were in uniform, operating marked unit 2B13. They were patrolling southbound on State Route 56, in the Town of Colton, New York. At that time the troopers came upon a 15' "Ryder" rental truck bearing North Carolina registration: LF6696. The troopers noticed that the box part of the vehicle was bouncing uncontrollably and noticed the vehicle cross the center yellow line of the road twice before turning left onto Main Street in Colton, New York, to Riverside Drive (part of a detour of State Route 56). At this time the troopers effected a stop of the rental truck. The driver was identified as Janet A. SCOTT (07-09-54) of 17 Grove Street, Massena, New York, and the passenger Thomas B. OAKES (03-10-41) of Racquette River Road, P.O. Box 638, Roosevelttown, New York. Both subjects identified themselves to the troopers with valid New York State driver's licenses. Ms SCOTT in conversation with the troopers said that they were transporting the rugs to Manhattan, New York, for Matthew SKIDDER, the brother-in-law of Thomas OAKES. Ms SCOTT claimed to possess no bill of lading for the cargo or paperwork associated with the transport. Mr. OAKES who was interviewed separately said that he did not have any knowledge what the cargo was or its destination. He only said the only thing he knew was that he was a passenger in the truck. At this time the driver Janet SCOTT

'96 - MG - 153

consented to a search of the cargo box by Trp. Ward Wilson. Trp. Wilson estimated that the cargo area contained approximately (30) bales of rugs wrapped in white plastic and duct tape. Inside the plastic Trp. Wilson observed carpets that were dark purple and brown in color of a very low pile. Trp. Wilson issued the driver, Janet SCOTT a ticket for failure to keep right and asked if she would be willing to follow his marked unit to the U.S. Customs office at Massena, New York. She agreed and both vehicles arrived at the Massena, New York POE at approximately 0340hrs.

3. On March 26, 1996, the Fines, Penalties and Forfeitures Officer for U.S. Customs in Ogdensburg, New York received a filing from Ardeshir FAYAZ in a claim and bond for the previously petitioned 865 carpets seized near Malone, New York on March 5, 1995. In this instance, FAYAZ was again asserting ownership of the carpets. Ardeshir Gholamreza FAYAZ, (aka FAIYAZ, FAIAZ), has been identified by this office as a fifty-six-year-old wholesaler of carpets who resides at 2 Pine Drive South, Roslyn, New York, 11576. FAYAZ travels extensively throughout New York State, and the Provinces of Quebec and Ontario in his business of buying and selling carpets wholesale. Born and raised in Iran, he specializes in the trade of Persian (Iranian) carpets.

4. On March 17, 1996, at approximately 10:00 a.m., Customs Inspector Cindy Clary of the Massena Port of Entry was on duty when the white Lincoln town car usually driven by FAYAZ approached the inspection booth. When Inspector Clary queried the license plate number in the TECS system, the number returned a positive record. She referred the driver, a Native American named Thomas OAKES, for a secondary inspection. She then recognized the vehicle as being the same one driven by FAYAZ on November 27, 1995, when he was arrested on an NCIC warrant for Grand Larceny. OAKES told Inspector Robert Provost that FAYAZ had lent him the car for a couple of days, and that he was to deliver it to the Bear's Den, a local business on the Akwesasne Reservation.

5. About ten minutes following the arrival of the FAYAZ vehicle at the Port of Entry, a Native American known as Matthew SKIDDERS, driving his own vehicle, arrived and was met by Inspector Clary at the inspection booth. She recognized SKIDDERS and noted a female and young child also in the vehicle. As the vehicle left the booth, she noticed a man sitting on the passenger side in the back seat, and recognized him to be Ardeshir FAYAZ, whom she had arrested on November 27.

6. The affiant knows that since the beginning of 1995 there have been numerous instances of commercial quantities of Iranian carpets being smuggled into the United States along the Canada border between Massena and Rouses Point, NY. There is a market in New York City for Iranian carpets and they are in demand because of the Iranian Embargo.

R

'96 - MG - 153

7. This affiant believes that the carpets contained in the trailer are merchandise prohibited by the Iranian Embargo/31 CFR Part 560 and therefore are subject to seizure and forfeiture.

This document, consisting of two (3) pages, is attached and made part of the Affidavit for Search Warrant.

Signed and Sworn Under Oath by Pat v. SEC Date 040396.

Sworn to before me

April 3, 1996

Henry Van Acker Jr.

HENRY VAN ACKER, JR.
U.S. MAGISTRATE
FEDERAL BUREAU OF INVESTIGATION
NEW YORK

R